

JAP:SCF

M-11 376

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b)(2))

MARIO GUERRERO-LEON,
also known as
"Jose Santiago-Vega" and
"Martin Guerrero,"

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

KENNETH LOPEZ, being duly sworn, deposes and states that he is a Deportation Officer with the Department of Homeland Security, duly appointed according to law and acting as such.

On or about March 24, 2011, within the Eastern District of New York and elsewhere, the defendant MARIO GUERRERO-LEON, also known as "Jose Santiago-Vega" and "Martin Guerrero," an alien who had previously been deported from the United States after a conviction for an aggravated felony, was found in the United States without the Secretary of the United States Department of Homeland Security, successor to the Attorney General of the United States, having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Sections 1326(a) and 1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am a Deportation Officer with the Department of Homeland Security and have been involved in the investigation of cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of investigative files, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about March 23, 2011, the defendant MARIO GUERRERO-LEON, also known as "Jose Santiago-Vega" and "Martin Guerrero" was arrested by officers from the New York City Police Department ("NYPD") 115th Precinct, and charged with criminal Possession of Forged Instruments and Petit Larceny. The defendant used the alias "Jose Santiago-Vega" at the time of his arrest.

3. According to Department of Homeland Security Records, the defendant, a citizen of Mexico, had been previously removed from the United States on several occasion, most recently

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

on June 18, 2005, pursuant to an Order of Removal dated July 6, 2004.

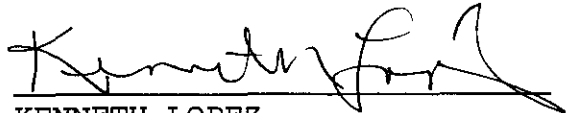
4. A review of the defendant's criminal history indicates that on or about June 6, 2005, the defendant was convicted of Illegal Reentry in violation of 8 U.S.C. § 1325(a)(1). The defendant's criminal history also indicates that on or about February 3, 2003, he was convicted of Criminal Sale of a Controlled substances in violation of New York Penal Law 220.39. Defendant's drug conviction qualifies as an aggravated felony. Subject used the alias "Martin Guerrero" at the time of his arrest.

5. A Department of Homeland Security official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's arrest underlying his February 3, 2003 conviction; the fingerprints taken in connection with the defendant's June 18, 2005 removal; and the fingerprints taken in connection with the defendant's March 23, 2011 arrest, and determined that all three sets of fingerprints were made by the same individual.

6. A search of Department of Homeland Security records has revealed that there exists no request by the defendant for permission from the Secretary of the United States Department of Homeland Security, successor to the Attorney

General of the United States, to reapply for admission to reenter the United States after removal.

WHEREFORE, your deponent respectfully requests that the defendant MARIO GUERRERO-LEON, also known as "Jose Santiago-Vega" and "Martin Guerrero" be dealt with according to law.



KENNETH LOPEZ
Deportation Officer
Department of Homeland Security

Sworn to before me this
12th day of April, 2011

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